

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Natural Resources, to which was referred House Bill No. 1232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 2, line 14, delete "stream." and insert:"stream, subject to the  
2           following conditions:
- 3           (A) Work must not be within a salmonid stream designated  
4           under 327 IAC 2-1.5-5 without the prior written approval of  
5           the department's division of fish and wildlife.
- 6           (B) Work must not be within a natural, scenic, or recreational  
7           river or stream designated under 312 IAC 7-2.
- 8           (C) Except as otherwise provided in Indiana law, free logs or  
9           affixed logs that are crossways in the channel must be cut,  
10          relocated, and removed from the floodplain. Logs may be  
11          maintained in the floodplain if properly anchored or  
12          otherwise secured so as to resist flotation or dislodging by the  
13          flow of water and placement in an area that is not a wetland.  
14          Logs must be removed and secured with a minimum of  
15          damage to vegetation.
- 16          (D) Isolated or single logs that are embedded, lodged, or  
17          rooted in the channel, and that do not span the channel or  
18          cause flow problems, must not be removed unless the logs are  
19          either of the following:
- 20                  (i) Associated with or in close proximity to larger  
21                  obstructions.

- 1                   (ii) Posing a hazard to navigation.
- 2           (E) A leaning or severely damaged tree that is in immediate
- 3           danger of falling into the waterway may be cut and removed
- 4           if the tree is associated with or in close proximity to an
- 5           obstruction. The root system and stump of the tree must be
- 6           left in place.
- 7           (F) To the extent practicable, the construction of access roads
- 8           must be minimized, and should not result in the elevation of
- 9           the floodplain.
- 10          (G) To the extent practicable, work should be performed
- 11          exclusively from one (1) side of a waterway. Crossing the bed
- 12          of a waterway is prohibited.
- 13          (H) To prevent the flow of sediment laden water back into the
- 14          waterway, appropriate sediment control measures must be
- 15          installed.
- 16          (I) Within fifteen (15) days, all bare and disturbed areas must
- 17          be revegetated with a mixture of grasses and legumes. Tall
- 18          fescue must not be used under this subdivision, except that
- 19          low endophyte tall fescue may be used in the bottom of the
- 20          waterway and on side slopes."

(Reference is to HB 1232 as printed January 29, 2010.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 6, Nays 1.

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**Senator Mishler, Chairperson**